

Case No. 8:25-CV-01019-DLB

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

THE ELIZABETH CONDOMINIUM ASSOCIATION, INC., ET AL.

PLAINTIFFS,

v.

MONTGOMERY COUNTY, MARYLAND

DEFENDANT.

**MOTION OF AMERICAN GAS ASSOCIATION
FOR LEAVE TO FILE *AMICUS CURIAE* BRIEF
IN SUPPORT OF PLAINTIFFS**

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Pursuant to Local Rule L.R. 105.12.b), Amicus Briefs, Motion to File, the American Gas Association (“AGA”), respectfully requests leave to file an out of time amicus brief in support of Plaintiffs in this proceeding.

As grounds for this Motion, AGA states:

1. The *amicus curiae* American Gas Association, represents critical domestic infrastructure – namely, local natural gas distribution companies that deliver natural gas to homes and businesses. There are more than 77 million residential, commercial, and industrial natural gas customers in the U.S., of which 95 percent — more than 73 million customers — receive their gas from AGA members. AGA is an advocate for natural gas utility companies and their customers and provides a broad range of programs and services for member natural gas pipelines, marketers, gatherers, international natural gas companies, and industry associates. Today, natural gas meets more than thirty percent of the United States’ energy needs.¹
2. AGA and its members have a substantial interest in continued investment in and development of natural gas infrastructure, and in ensuring predictable and consistent laws and court rulings that affect that infrastructure. The gas they move heats millions of American homes, and generates over 30 percent of the nation’s

¹ See AGA, *About Us*, <https://www.aga.org/about/> (last visited Sept. 26, 2025).

electricity.² Nearly 187 million Americans and 5.5 million businesses use natural gas.³ Demand for natural gas continues to increase because it is abundant, clean, safe, and cost-effective, and reliable infrastructure will be needed for the foreseeable future.⁴

3. AGA and its members have a substantial interest in the continued ability of natural gas utilities to provide clean and efficient natural gas to consumers across the United States. Additionally, AGA has an interest in ensuring laws and regulations affecting the unique utility framework of regulatory oversight and private investment are consistent with municipal/utility reciprocal legal commitments and constitutional principles.

4. AGA's member natural gas local distribution companies ("LDCs" or "natural gas utilities") own and operate local natural gas distribution pipeline systems that typically receive natural gas supplies that have been transported on the interstate pipeline system. LDCs deliver natural gas under state-regulated rates and terms of service, directly to residential, commercial, and industrial customers, including restaurants.

² See U.S. Energy Info. Admin., *What is U.S. electricity generation by energy source?*, <https://www.eia.gov/tools/faqs/faq.php?id=427&t=3> (last visited Sept. 26, 2025).

³ See AGA, *2022 Playbook*, <https://playbook.aga.org/> (last visited Sept. 26, 2025).

⁴ See U.S. Energy Info. Admin., *Annual Energy Outlook 2020*, <https://www.eia.gov/outlooks/aeo/> (last visited Sept. 26, 2025).

5. This brief should be of assistance to the Court because it provides information about the natural gas distribution industry, which supplies natural gas to the consumers and businesses whose use of natural gas appliances is affected by the regulations at issue in this case. Judicial decisions affecting the ability of consumers to use natural gas as an energy source have a direct impact on gas utilities, and in turn any statutorily mandated reductions in natural gas use would affect the rates and services available to LDCs' existing consumers. AGA has a direct interest in ensuring that judicial decisions are made in light of a full record as to the role of state regulation on the use and distribution of natural gas under existing regulatory structures and doctrines.

6. All parties in this case have either consented or do not oppose the filing of this *amicus* brief.

7. AGA submits that the natural gas utility perspective that the accompanying brief brings for the Court's consideration provides grounds for granting this Motion. The issues raised by the Maryland regulations raise profound concerns for natural gas utilities and their customers, both in Maryland and in states more broadly across the nation. Yet, the broader public utility context is nearly entirely absent from the briefing in this case to date. AGA submits that the benefit of this additional perspective supports acceptance of the amicus brief at this time. The brief provides relevant matters to the court's attention that the parties and *amici curiae* have not

presented and provides a substantive contribution to this case. The brief is intended to assist the Court by providing information on a specialized area of law and regulatory regime.

8. No counsel for a party authored this brief in whole or in part, and no person other than the amicus curiae, its members, or its counsel contributed money that was intended to fund the preparation or submission of this brief.

9. This brief is no more than 15 pages long, exclusive of the certificate of service, and otherwise comply with L.R. 102.2, 105.1, 105.4, and 105.5.

10. Accordingly, AGA respectfully requests leave to file the attached amicus brief in support of the Plaintiffs.

Respectfully Submitted,

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Dated: Sept. 26, 2025

DISCLOSURE STATEMENT

Pursuant to Local Rule L.R. 105.12.h), the American Gas Association hereby submits the following corporate disclosure statement:

The American Gas Association (“AGA”) is an incorporated, not-for-profit trade association representing local energy companies that deliver natural gas in the United States. AGA has no parent companies, subsidiaries, or affiliates that have issued publicly traded stock. Some AGA member companies are corporations with publicly traded stock.

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Dated: Sept. 26, 2025

CERTIFICATE OF SERVICE

I hereby certify that on Sept. 26, 2025, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all registered CM/ECF users.

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